



Littler Mendelson, P.C.
900 Third Avenue
New York, NY 10022.3298

Kevin K. Yam
212.583.2674 direct
212.583.9600 main
kyam@littler.com

January 17, 2024

VIA ECF

MEMO ENDORSED

Hon. Katherine Polk Failla
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Room 105
New York, NY 10007

Re: *Gillett v. Zara USA, Inc., et al*, No. 20-cv-3734-KPF

Dear Judge Failla:

The Parties write jointly pursuant to Your Honor's Individual Rule of Practice 2(C) to request: (1) a stay of this action for 60 days while the Parties engage in mediation and settlement discussions and (2) corresponding extensions of dates in this action's revised case management plan and scheduling order dated August 8, 2023 (Dkt. No. 109) (the "CMP"). This is the parties' first request for a discovery stay and their second request for an extension of discovery deadlines. The Parties requested a six-month extension of discovery on August 7, 2023, which the Court granted in part by ordering a four-month extension of discovery. *See* Dkt. Nos. 107-109.

The reason for this request is that the Parties intend to participate in a private mediation during the week of March 11, 2024 with mediator Carol Wittenberg (which was the earliest mutual availability for all sides) to potentially resolve all outstanding disputes between the Parties, including disputes related to: (i) whether the offers of judgment moot the federal claims asserted in this action, and (ii) the amount of attorneys' fees Plaintiffs' counsel are entitled to as a result of the issuance and acceptance of the offers of judgment that have been filed with the Court. The Parties acknowledge that the current CMP requires the Parties to pursue settlement and discovery simultaneously on parallel tracks unless the Court orders otherwise. Dkt. No. 109. Respectfully, the Parties believe such a Court order is appropriate in this case as the Parties have engaged in substantial representative written discovery, and their settlement negotiations may be more fruitful without the shadow of depositions, motion practice, and other costs accruing simultaneously.

The current deadline for the close of fact discovery is April 5, 2024, while the original deadline was December 5, 2023. By the proposed extension, the deadline for the close of fact discovery

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would be June 5, 2024. This stay and extension request would also affect the briefing schedule for Plaintiffs' motion for attorneys' fees related to the offers of judgment, the pre-motion conference scheduled to discuss Defendants' proposed motion to dismiss the complaint, and the pre-trial conference. Regarding the attorneys' fees motion, Plaintiff's opening motion would be due April 1, 2024 (extended from February 1, 2024), Defendants' opposition would be due April 30, 2024 (extended from March 1, 2024, and Plaintiffs' reply would be due May 14, 2024 (extended from March 15, 2024). The pre-motion conference for Defendants' motion to dismiss is currently scheduled for February 15, 2024 at 3:00 pm. The Parties request that the conference be adjourned for a date convenient to the Court on or after April 15, 2024. Finally, the pre-trial conference is scheduled for April 16, 2024 at 11:00 am; the Parties request that this conference be rescheduled until a date convenient to the Court on or after June 17, 2024.

A proposed Revised Scheduling Order is attached to this letter. The Parties thank the Court for its time and consideration of this request.

Sincerely,

/s/ Kevin K. Yam

Kevin K. Yam

Application GRANTED. In light of the parties' joint representation that a stay of discovery would aid in their settlement negotiations and the upcoming mediation, the Court will stay this action for 60 days. Accordingly, this action is hereby STAYED until **March 18, 2024**. The Court will separately enter the parties' proposed revised case management plan.

The pre-motion conference scheduled for February 15, 2024, is hereby ADJOURNED to **April 16, 2024**, at **11:00 a.m.** As before, the conference will be telephonic and the dial-in information is as follows: At 11:00 a.m. the parties shall call (888) 363-4749 and enter access code 5123533.

The post-fact discovery conference scheduled for April 16, 2024, is hereby ADJOURNED to **July 2, 2024**, at **10:00 a.m.** This conference will be held in-person, in Courtroom 618 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York.

The deadlines for the attorneys' fees motions are likewise ADJOURNED to reflect the schedule set forth above.

On or before **March 22, 2024**, the parties shall provide the Court with an update regarding the outcome of mediation.

The Clerk of Court is terminate the pending motion at docket entry 134.

Dated: January 18, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE